

ESTTA Tracking number: **ESTTA504255**

Filing date: **11/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Canto, Inc.
Granted to Date of previous extension	11/07/2012
Address	221 Main Street, Suite 460 San Francisco, CA 94105 UNITED STATES

Attorney information	Lynn M. Humphreys Morrison & Foerster LLP 425 Market Street32nd Floor San Francisco, CA 94105 UNITED STATES lhumphreys@mofo.com, jkripke@mofo.com, mwadsworth@mofo.com
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Applicant Information

Application No	85405331	Publication date	07/10/2012
Opposition Filing Date	11/07/2012	Opposition Period Ends	11/07/2012
Applicant	The Informatics Applications Group, Inc. 1760 Reston Parkway, Suite 510 1760 Reston Parkway Reston, VA 20190 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users
Class 035. All goods and services in the class are opposed, namely: Business consulting services, namely, consulting regarding organizational and work process change, design and development, corporate and personal assessment and measurement
Class 042. All goods and services in the class are opposed, namely: Providing online non-downloadable computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

Applicant Information

Application No	85405309	Publication date	07/10/2012
Opposition Filing	11/07/2012	Opposition	

Date		Period Ends	
Applicant	The Informatics Applications Group, Inc. 1760 Reston Parkway, Suite 510 1760 Reston Parkway Reston, VA 20190 UNITED STATES		


Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users
Class 035. All goods and services in the class are opposed, namely: Business consulting services, namely, consulting regarding organizational and work process change, design and development, corporate and personal assessment and measurement
Class 042. All goods and services in the class are opposed, namely: Providing online non-downloadable computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2794284	Application Date	01/16/2003
Registration Date	12/16/2003	Foreign Priority Date	NONE
Word Mark	CUMULUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/08/00 First Use In Commerce: 1992/08/00 Computer software for database management; computer software for digital asset management, digital asset-centric workflow and business process, content management and web conversion		

U.S. Registration No.	2240046	Application Date	06/09/1995
Registration Date	04/20/1999	Foreign Priority Date	NONE
Word Mark	CUMULUS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1992/08/00 First Use In Commerce: 1992/08/00 computer software for database management

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CUMULUS		
Goods/Services	software		

Attachments	76482912#TMSN.gif (1 page)(bytes) Opposition.pdf (22 pages)(903099 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer Lee Taylor/
Name	Jennifer Lee Taylor
Date	11/07/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Canto, Inc.,

Opposer,

vs.

The Informatics Applications Group, Inc., LLC,

Applicant.

Opposition No.: TO BE ASSIGNED

Application No.: 85/405,331
Mark: ΔCUMULUS
International Class: 9, 35, 42

Application No.: 85/405,309
Mark: ACUMULUS
International Class: 9, 35, 42

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF CONSOLIDATED OPPOSITION

Pursuant to Section 1063 of Title 15, United States Code, and Section 2.104, Title 37, Code of Federal Regulations, Opposer, Canto, Inc., believes it would be damaged by the registration of the above-identified applications, and hereby opposes the same.

1. Opposer, Canto, Inc., is a Delaware corporation with offices at 221 Main Street, Suite 460, San Francisco, CA 94105.
2. Opposer and its corporate affiliates specialize in the design, development and distribution of digital asset management software applications and related professional services, including consulting, integration, installation and training.
3. Opposer, its corporate affiliates, and/or its predecessors have been using the mark CUMULUS in connection with software since at least 1992, during which time the term CUMULUS has developed substantial good will, consumer recognition and common law as well as statutory trademark rights.

4. Opposer is the owner of incontestable U.S. Reg. No. 2240046 for the mark CUMULUS for use in connection with “computer software for database management” in international class 9. This registration is valid and subsisting and in good standing. Attached hereto as Exhibit A are true and correct copies of Opposer’s registration certificate, a printout of the USPTO’s assignment record, and a printout of the TSDR record for U.S. Registration No. 2240046.

5. Opposer is the owner of incontestable U.S. Reg. No. 2794284 for the mark CUMULUS for use in connection with “computer software for database management; computer software for digital asset management, digital asset-centric workflow and business process, content management and web conversion” in international class 9. The mark is currently in use. This registration is valid and subsisting and in good standing. Attached hereto as Exhibit B are true and correct copies of Opposer’s registration certificate, a printout of the USPTO’s assignment record, and a printout of the TSDR record for U.S. Registration No. 2794284.

6. On information and belief, Applicant, The Informatics Applications Group, Inc., is a Virginia corporation whose principal place of business is 1760 Reston Parkway, Suite 510, Reston, Virginia 20190.

7. On August 23, 2011, Applicant filed intent-to-use applications Serial Nos. 85405331 and 85405309 (the “Applications”), which were published for opposition on July 10, 2012, for the marks ΔCUMULUS and ACUMULUS, for use in connection with “Computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users; Business consulting services, namely, consulting regarding organizational and work process change, design and development, corporate and personal assessment and measurement; Providing online non-downloadable computer software

for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users” in International Classes 9, 35, and 42 (“Applicant’s Services”). Attached hereto as Exhibits C and D are true and correct copies of printouts of the TSDR records for U.S. Application Serial Nos. 85405331 and 85405309, respectively.

8. The Applications are for the confusingly similar marks ACUMULUS and ΔCUMULUS, which are virtually identical in sight, sound, and meaning to Opposer’s CUMULUS mark.

9. Applicant’s goods and services are for computer software, including but not limited to the fields of “storing, retrieving, organizing, managing, scheduling and sharing information,” and thus are directly related to Opposer’s software and business.

10. Therefore, upon information and belief, the use and registration by Applicant of the mark for services cited in the Applications are likely to cause confusion in the minds of consumers as to the source of Applicant’s or Opposer’s products and services, or to cause mistake, or to deceive, within the meaning of Section 1052(d) of Title 15, United States Code.

11. Registration of Applicant’s marks would create statutory rights in favor of Applicant, and thereby tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

12. Opposer has no control over the nature and quality of the Applicant’s goods and services under Applicant’s marks, and any dissatisfaction with Applicant’s services by the affected public would reflect adversely on Opposer, thus damaging Opposer’s valuable and established good will and reputation.

13. On information and belief, the respective products and services of Applicant and Opposer sold or to be sold under their respective marks are and/or will be advertised in the same

or similar manner and are and/or will be directed to the same or similar customers or customer groups and/or will be sold through the same or overlapping channels of trade.

14. Opposer believes it would be damaged by the registration of the marks which are the subject of the Applications.

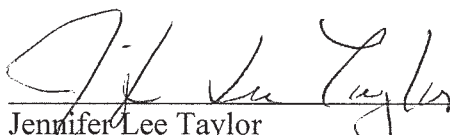
15. There is no issue of priority. Upon information and belief, Applicant has no rights in the applied for marks prior to the filing date of the Applications.

Please charge the filing fee of \$1800 and any additional fees to Morrison & Foerster LLP's Deposit Account No. 03-1952 (Reference No. 29550-24003.33), the account of Opposer's counsel noted below.

Please direct all correspondence to Lynn M. Humphreys at Morrison & Foerster LLP, 425 Market Street, San Francisco, CA 94105.

WHEREFORE, Opposer prays that Serial Nos. 85/405,331 and 85/405,309 be denied registration.

Respectfully submitted,



Jennifer Lee Taylor
Lynn M. Humphreys
MORRISON & FOERSTER LLP
425 Market Street, 32nd Floor
San Francisco, CA 94105
(415) 268-6538
Counsel for Opposer

Dated: November 7, 2012

EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,240,046

United States Patent and Trademark Office

Registered Apr. 20, 1999

**TRADEMARK
PRINCIPAL REGISTER**

CUMULUS

CANTO SOFTWARE, INC. (CALIFORNIA CORPORATION)
330 TOWNSEND STREET, SUITE 212
SAN FRANCISCO, CA 94107

FIRST USE 8-0-1992; IN COMMERCE
8-0-1992.

SER. NO. 74-686,655, FILED 6-9-1995.

FOR: COMPUTER SOFTWARE FOR DATABASE MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 74686655

Filing Dt: 06/09/1995

Reg #: 2240046

Reg. Dt: 04/20/1999

Registrant: CANTO SOFTWARE, INC.

Mark: CUMULUS

Assignment: 1

Reel/Frame: 2928/0734

Received: 09/02/2004

Recorded: 09/02/2004

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: CANTO SOFTWARE, INC.

Exec Dt: 10/01/2002

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: CANTO, INC.

290 DIVISION STREET, SUITE 400

SAN FRANCISCO, CALIFORNIA 94103

Correspondent: LYNN M. HUMPHREYS

MORRISON & FOERSTER LLP, 425 MARKET ST

SAN FRANCISCO, CA 94105-2482

Search Results as of: 11/07/2012 03:30 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350 v.2.3.2

Web interface last modified: July 10, 2012 v.2.3.2

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STATUS DOCUMENTS

[Back to Search](#)

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Mark: CUMULUS

US Serial Number: 74686655

Application Filing Date: Jun. 09, 1995

US Registration Number: 2240046

Registration Date: Apr. 20, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 21, 2008

Publication Date: Jan. 26, 1999

Mark Information[expand all](#)

Mark Literal Elements: CUMULUS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: computer software for database management

International Class: 009 - Primary Class

U.S. Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1992

Use in Commerce: Aug. 1992

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: CANTO, INC.

Owner Address: Suite 460
221 Main Street
SAN FRANCISCO, CALIFORNIA 94105
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: LYNN M. HUMPHREYS

Docket Number: 25660-24003.

Correspondent

Correspondent LYNN M. HUMPHREYS

Name/Address: Morrison & Foerster LLP
 425 MARKET STREET
 SAN FRANCISCO, CALIFORNIA 94105-2482
 UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 21, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Nov. 21, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 19, 2008	ASSIGNED TO PARALEGAL	67723
Nov. 11, 2008	TEAS SECTION 8 & 9 RECEIVED	
Apr. 15, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 15, 2005	ASSIGNED TO PARALEGAL	75461
Mar. 22, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 22, 2005	PAPER RECEIVED	
Apr. 20, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 1999	PUBLISHED FOR OPPOSITION	
Dec. 26, 1998	NOTICE OF PUBLICATION	
Nov. 04, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 1995	LETTER OF SUSPENSION MAILED	
Dec. 04, 1995	ASSIGNED TO EXAMINER	69940
Nov. 14, 1995	ASSIGNED TO EXAMINER	68478

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 20, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Nov. 21, 2008

Assignment Abstract of Title Information

Conveyance Filter

Summary

Total Assignments: 1

Registrant: CANTO SOFTWARE, INC.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2928/0734

Pages: 4

Date Recorded: Sep. 02, 2004

Supporting Documents: assignment-tm-2928-0734.pdf**Assignor**Name: CANTO SOFTWARE, INC.

Execution Date: Oct. 01, 2002

Legal Entity Type: CORPORATION

State or Country Where CALIFORNIA

Organized:

AssigneeName: CANTO, INC.

Legal Entity Type: CORPORATION

DELAWARE

State or Country Where
Organized:

Address: 290 DIVISION STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: LYNN M. HUMPHREYS

Correspondent Address: MORRISON & FOERSTER LLP, 425 MARKET ST
SAN FRANCISCO, CA 94105-2482

Domestic Representative - Not Found

EXHIBIT B

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,794,284

United States Patent and Trademark Office

Registered Dec. 16, 2003

**TRADEMARK
PRINCIPAL REGISTER**

CUMULUS

CANTO, INC. (DELAWARE CORPORATION)
290 DIVISION STREET, SUITE 400
SAN FRANCISCO, CA 94103

FOR: COMPUTER SOFTWARE FOR DATABASE
MANAGEMENT; COMPUTER SOFTWARE FOR
DIGITAL ASSET MANAGEMENT, DIGITAL AS-
SET-CENTRIC WORKFLOW AND BUSINESS PRO-
CESS, CONTENT MANAGEMENT AND WEB

CONVERSION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

FIRST USE 8-0-1992; IN COMMERCE 8-0-1992.

OWNER OF U.S. REG. NO. 2,240,046.

SER. NO. 76-482,912, FILED 1-16-2003.

BRIAN BROWN, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 76482912

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Web interface last modified: July 10, 2012 v.2.3.2

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[Back to Search](#)

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Mark: CUMULUS

CUMULUS

US Serial Number: 76482912

Application Filing Date: Jan. 16, 2003

US Registration Number: 2794284

Registration Date: Dec. 16, 2003

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 21, 2009

Publication Date: Sep. 23, 2003

Mark Information[expand all](#)

Mark Literal Elements: CUMULUS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties InformationClaimed Ownership of US [2240046](#)

Registrations:

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer software for database management; computer software for digital asset management, digital asset-centric workflow and business process, content management and web conversion

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1992

Use in Commerce: Aug. 1992

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Canto, Inc.

Owner Address: 221 Main Street, Suite 460
San Francisco, CALIFORNIA 94105
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**



Attorney Name: Lynn M. Humphreys

Docket Number: 295502400301

Correspondent

Correspondent: Lynn M. Humphreys

Name/Address: Morrison & Foerster LLP
425 MARKET STREET
San Francisco, CALIFORNIA 94105-2482
UNITED STATES

Phone: (415) 268-6327 Fax: (415) 268-7522 

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 06, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 06, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 21, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Jan. 13, 2009	ASSIGNED TO PARALEGAL	65765
Jan. 08, 2009	TEAS SECTION 8 & 15 RECEIVED	
Dec. 16, 2003	REGISTERED-PRINCIPAL REGISTER	
Sep. 23, 2003	PUBLISHED FOR OPPOSITION	
Sep. 03, 2003	NOTICE OF PUBLICATION	
Jul. 14, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 11, 2003	ASSIGNED TO EXAMINER	76835

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jan. 21, 2009

EXHIBIT C

STATUS DOCUMENTS

[Back to Search](#)[Print](#)

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Mark: ACUMULUS

ACUMULUS

US Serial Number: 85405331

Application Filing Date: Aug. 23, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 09, 2012

Publication Date: Jul. 10, 2012

Mark Information[expand all](#)

Mark Literal Elements: ACUMULUS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized word "acumulus" in which the letter "A" is a triangle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.05.02 - Plain single line triangles; Triangles, plain single line
27.03.01 - Geometric figures forming letters, numerals or punctuation

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

International Class: 009 - Primary Class

U.S. Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Business consulting services, namely, consulting regarding organizational and work process change, design and development, corporate and personal assessment and measurement

International Class: 035 - Primary Class

U.S. Class: 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Providing online non-downloadable computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

International Class: 042 - Primary Class

U.S. Class: 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No Currently 44E: No Amended 44E: No
Filed 66A: No Currently 66A: No
Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: The Informatics Applications Group, Inc.
Owner Address: 1760 Reston Parkway, Suite 510
1760 Reston Parkway
Reston, VIRGINIA 20190
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: William J. Sauers

Docket Number: 107115.14408

Correspondent

Correspondent WILLIAM J. SAUERS
Name/Address: CROWELL & MORING LLP
PO BOX 14300
WASHINGTON, DISTRICT OF COLUMBIA 20044-4300
UNITED STATES

Phone: 202-624-2500

Fax: 202-628-8844

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 09, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 10, 2012	PUBLISHED FOR OPPOSITION	
Jun. 20, 2012	NOTICE OF PUBLICATION	
Jun. 06, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jun. 04, 2012	ASSIGNED TO LIE	73797
May 16, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 15, 2012	EXAMINERS AMENDMENT MAILED	
May 15, 2012	EXAMINER'S AMENDMENT ENTERED	88888
May 15, 2012	EXAMINERS AMENDMENT -WRITTEN	81855
Mar. 15, 2012	ASSIGNED TO EXAMINER	81855
Dec. 14, 2011	NON-FINAL ACTION MAILED	
Dec. 13, 2011	NON-FINAL ACTION WRITTEN	83280
Dec. 12, 2011	ASSIGNED TO EXAMINER	83280
Oct. 31, 2011	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Oct. 31, 2011	TEAS VOLUNTARY AMENDMENT RECEIVED	
Aug. 29, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 26, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: HOFFMAN, DAVID AARON

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 06, 2012

EXHIBIT D

STATUS DOCUMENTS

[Back to Search](#)[Print](#)

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Mark: ACUMULUS

ACUMULUS

US Serial Number: 85405309

Application Filing Date: Aug. 23, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 09, 2012

Publication Date: Jul. 10, 2012

Mark Information[expand all](#)

Mark Literal Elements: ACUMULUS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: Computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

International Class: 009 - Primary Class

U.S. Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Business consulting services, namely, consulting regarding organizational and work process change, design and development, corporate and personal assessment and measurement

International Class: 035 - Primary Class

U.S. Class: 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Providing online non-downloadable computer software for storing, retrieving, organizing, managing, scheduling, and sharing information for a single user or between multiple users

International Class: 042 - Primary Class

U.S. Class: 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: The Informatics Applications Group, Inc.
Owner Address: 1760 Reston Parkway, Suite 510
1760 Reston Parkway
Reston, VIRGINIA 20190
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: William J. Sauers

Docket Number: 107115.14407

Correspondent

Correspondent WILLIAM J. SAUERS
Name/Address: CROWELL & MORING LLP
PO BOX 14300
WASHINGTON, DISTRICT OF COLUMBIA 20044-4300
UNITED STATES

Phone: 202-624-2500

Fax: 202-628-8844

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 09, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 10, 2012	PUBLISHED FOR OPPOSITION	
Jun. 20, 2012	NOTICE OF PUBLICATION	
Jun. 06, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jun. 04, 2012	ASSIGNED TO LIE	73797
May 16, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 15, 2012	EXAMINERS AMENDMENT MAILED	
May 15, 2012	EXAMINER'S AMENDMENT ENTERED	88888
May 15, 2012	EXAMINERS AMENDMENT -WRITTEN	81855
Mar. 15, 2012	ASSIGNED TO EXAMINER	81855
Dec. 14, 2011	NON-FINAL ACTION MAILED	
Dec. 13, 2011	NON-FINAL ACTION WRITTEN	83280
Dec. 12, 2011	ASSIGNED TO EXAMINER	83280
Oct. 31, 2011	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Oct. 31, 2011	TEAS VOLUNTARY AMENDMENT RECEIVED	
Aug. 29, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 26, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: HOFFMAN, DAVID AARON

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 06, 2012

PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on November 7, 2012, I served a copy of:

**NOTICE OF CONSOLIDATED OPPOSITION FOR U.S. APPLICATION NOS.
85/405,309 AND 85/405,331**

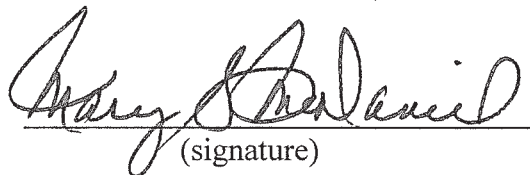
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

**William J. Sauers
Crowell & Mooring, LLP
1001 Pennsylvania Avenue N.W.
Washington, DC 20004-2595**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 7th day of November 2012.

Mary S. McDaniel
(typed)



(signature)